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November 2, 2011

VIA ELECTRONIC FILING & FIRST-CLASS MAIL

The Honorable John Gleeson
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Turkmen, et al. v. Ashcroft, et al., No. 02cv2307 (JG)

Dear Judge Gleeson:

In a letter filed with this Court on August 11, 2011, plaintiffs argued that the decision of a Seventh Circuit panel in Vance v. Rumsfeld, 653 F.3d 591 (7th Cir. 2011), supported their position that the motions to dismiss filed by the several defendants should be denied (Dkt. No. 762). On August 29, 2011, former Attorney General Ashcroft, in his individual capacity, filed a letter in opposition to the plaintiffs' position regarding the import of Vance to General Ashcroft's pending motion to dismiss.

General Ashcroft submits this letter simply to notify the Court that the Seventh Circuit has granted rehearing *en banc* in Vance, and in furtherance of that grant, has explicitly vacated the panel decision that was the gravamen of plaintiffs' earlier letter to this Court (order attached).

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis C. Barghaan, Jr.", with a long horizontal stroke extending to the right.

Dennis C. Barghaan, Jr.
Assistant United States Attorney
Special Department of Justice Attorney
Counsel for John Ashcroft

cc: Counsel of Record (via ECF)

Case: 10-1687 Document: 70 Filed: 10/28/2011 Pages: 1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

October 28, 2011

By the Court:

Nos. 10-1687 and 10-2442

DONALD VANCE and NATHAN ERTEL,
Plaintiffs-Appellees,

v.

DONALD RUMSFELD and THE UNITED
STATES OF AMERICA,
Defendants-Appellants.

Appeal from the United District Court for
the Northern District of Illinois, Eastern
Division.

No. 06 C 6964

Wayne R. Andersen,
Judge.

ORDER

The petition for rehearing *en banc* is **GRANTED**. The panel's opinion and judgment previously issued on August 8, 2011 are **VACATED**.

Oral argument will be set by the Court at a date to be determined.